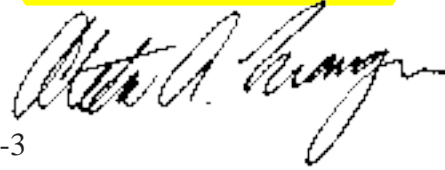


UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

Motion DENIED as MOOT.



UNITED STATES OF AMERICA

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No. 3:12-00170-3

v.

Judge Trauger

ELICIO FUERTE-BARRIGA

MOTION FOR STATUS HEARING

The United States, through United States Attorney David Rivera and Assistant United States Attorney Brent A. Hannafan, hereby requests this Court set a status hearing for defendant Fuerte-Barriga in order to determine whether defendant intends to proceed to trial on April 29, 2014.

On February 20, 2014, this Court granted the United States' Motion to Strike defendant's Motion to Dismiss, with leave to re-file the motion under certain conditions. (Docket No. 141). On February 25, 2014, this Court set a trial date of April 29, 2014, and ordered that any pre-trial motions must be filed by April 1, 2014. (Docket Nos. 149 and 150). As of today, defendant has not sought to re-file his motion to dismiss, and has not filed any other pre-trial motions.

The undersigned made a settlement offer to defendant's counsel more than two weeks ago. Since that time, defendant's counsel has repeatedly advised the undersigned that defendant's counsel intends to file a motion to continue the April 29, 2014 trial date in order to discuss that offer with the defendant. To date, no motion to continue has been filed.

The United States has no objection to a continuance of defendant's trial. However, the undersigned is also scheduled to begin another trial as lead counsel before Chief Judge Haynes on May 13, 2014. That trial is expected to last two to three weeks. Whether the trial in this case will proceed on April 29, 2014 has a significant effect on the undersigned's trial preparation in

that case. Due to the fact that the trial date in this case is now only three weeks away, the United States respectfully requests this Court set a status hearing for defendant Fuerte-Barriga in order to determine whether he intends to enter a plea of guilty, proceed to trial on April 29, 2014, or request a continuance of that trial date.

Respectfully submitted,

DAVID RIVERA
United States Attorney for the
Middle District of Tennessee

BY: s/Brent A. Hannafan
Brent A. Hannafan
Assistant U.S. Attorney
110th Avenue South, A961
Nashville, Tennessee 37203
Phone: 615-736-5151

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2014, I electronically served one copy of the United States' Motion by using the CM/ECF system, which will provide notice of the filing to defendant's attorney, Richard Sullivan.

s/ Brent A. Hannafan
Brent A. Hannafan
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